

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOSHUA RYAN BREHM,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 3:23-143
)	Judge Nora Barry Fischer
RANDY IRWIN, SUPERINTENDENT, SCI)	Magistrate Judge Keith Pesto
FOREST, et al.,)	
)	
Respondents.)	

MEMORANDUM ORDER

AND NOW, this 29th day of January, 2025, upon consideration of the Report and Recommendation filed by United States Magistrate Judge Keith A. Pesto on July 6, 2023, (Docket No. 2), recommending that the § 2254 habeas petition filed by Petitioner Joshua Ryan Brehm be denied and that no certificate of appealability shall issue because he has not set forth a cognizable claim that the state sentence he is serving was imposed in violation of a federal constitutional right, Petitioner's Objections which were timely filed within 14 days as directed by the Magistrate Judge, (Docket No. 3), and the matter having been reassigned to the undersigned for prompt disposition, and upon independent review of the record and de novo consideration of the Magistrate Judge's Report and Recommendation of July 6, 2023, (Docket No. 2), which is ADOPTED as the opinion of this Court,

IT IS HEREBY ORDERED that Petitioner's Objections (Docket No. 3) are OVERRULED as he has failed to present sufficient facts to demonstrate an entitlement to the relief he requests, for the reasons set forth in the Report and Recommendation, *see e.g., Robles v. Superintendent Laurel Highland SCI*, No. 19-3527, 2020 WL 2078297, at *1 (3d Cir. Apr. 7, 2020) (citation

omitted) (“Appellant’s claim that the trial court abused its discretion in sentencing him is non-cognizable on habeas review because he did not demonstrate that the sentence violated a federal constitutional right”);

IT IS FURTHER ORDERED that the Petition (Docket No. 1) is DENIED;

IT IS FURTHER ORDERED that no certificate of appealability shall issue as Petitioner has not made a substantial showing of a denial of a Constitutional right and jurists of reason would not debate the disposition herein;

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case CLOSED; and,

FINALLY, IT IS ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

s/Nora Barry Fischer
Nora Barry Fischer
Senior U.S. District Judge

cc/ecf: Magistrate Judge Keith A. Pesto

cc: Joshua Ryan Brehm
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